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Serial No. 10/537,339
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The strikethrough which is not required by the rules would read as follows:

~~COMPOSITIONS COMPRISING GREEN YELLOW VEGETABLES AND LIGHT-COLORED VEGETABLES A METHOD OF ENHANCING BLOOD ANTIOXIDANT ACTIVITY INGESTING A COMPOUND IN THE FORM OF AT LEAST ONE FORM SELECTED FROM AMONGST JUICE, POWDER, GRANULE, TABLET AND CAPSULE, WHICH CONTAINS AN EFFECTIVE AMOUNT OF AT LEAST ONE VEGETABLE SELECTED FROM THE GROUP CONSISTING OF BROCCOLI, SPINACH, PARSLEY, KOMATSUNA (BRASSICA RAPA L.) AND JAPANESE RADISH LEAVES, AND AT LEAST ONE VEGETABLE SELECTED FROM AMONGST LETTUCE, CABBAGE AND CELERY~~

Accordingly, reconsideration and withdrawal of the Notice of Non-Compliant Amendment are courteously requested. Absent this relief, Applicants will consider whether to petition the Group Director to have the Amendment entered.

To the extent necessary during prosecution, the Commissioner is hereby authorized to charge any required fees not otherwise authorized, including application processing, extension, and extra claims fees, to Deposit Account 06-1135.

Respectfully submitted,
FITCH, EVEN, TABIN & FLANNERY


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According to the 37 C.F.R. §1.121, amendments to the specification, including changes to the title, need not be made in the way insisted upon in the Notice of Non-Compliant Amendment. Rather, changes to the specification can be made by deleting, replacing, or adding a paragraph by way of an instruction which unambiguously identifies the location to delete one or more paragraphs, replace a paragraph with one or more replacement paragraphs, or add one or more paragraphs. (The instruction must be sufficiently unambiguous: The application is identified in PAIR by its amended title.)

When deleting an entire paragraph and adding a new paragraph, one of the acceptable methods of amending the specification according to 37 C.F.R. §1.121, the full text of any added paragraph should be presented without underlining, and the text of the deleted paragraph should not be presented in strikethrough or double-brackets. A copy of the relevant portion of Rule 1.121 is attached, from which it will be seen the options for amendment are in the distinctive "OR", and Applicants complied with this rule.

For instance, the new replacement title previously presented is:

A METHOD OF ENHANCING BLOOD ANTIOXIDANT ACTIVITY INGESTING A COMPOUND IN THE FORM OF AT LEAST ONE FORM SELECTED FROM AMONGST JUICE, POWDER, GRANULE, TABLET AND CAPSULE, WHICH CONTAINS AN EFFECTIVE AMOUNT OF AT LEAST ONE VEGETABLE SELECTED FROM THE GROUP CONSISTING OF BROCCOLI, SPINACH, PARSLEY, KOMATSUNA (BRASSICA RAPA L.) AND JAPANESE RADISH LEAVES, AND AT LEAST ONE VEGETABLE SELECTED FROM AMONGST LETTUCE, CABBAGE AND CELERY



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37 CFR 1.121

§ 1.121 Manner of making amendments in applications. - Patent Rules

§ 1.121 Manner of making amendments in applications.

(a) *Amendments in applications, other than reissue applications.* Amendments in applications, other than reissue applications, are made by filing a paper, in compliance with § 1.52, directing that specified amendments be made.

(b) *Specification.* Amendments to the specification, other than the claims, computer listings (§ 1.96) and sequence listings (§ 1.825), must be made by adding, deleting or replacing a paragraph, by replacing a section, or by a substitute specification, in the manner specified in this section.

(1) *Amendment to delete, replace, or add a paragraph.* Amendments to the specification, including amendment to a section heading or the title of the invention which are considered for amendment purposes to be an amendment of a paragraph, must be made by submitting:

(i) An instruction, which unambiguously identifies the location, to delete one or more paragraphs of the specification, replace a paragraph with one or more replacement paragraphs, or add one or more paragraphs;

(ii) The full text of any replacement paragraph with markings to show all the changes relative to the previous version of the paragraph. The text of any added subject matter must be shown by underlining the added text. The text of any deleted matter must be shown by strike-through except that double brackets placed before and after the deleted characters may be used to show deletion of five or fewer consecutive characters. The text of any deleted subject matter must be shown by being placed within double brackets if strikethrough cannot be easily perceived;

(iii) The full text of any added paragraphs without any underlining; and

(iv) The text of a paragraph to be deleted must not be presented with strike-through or placed within double brackets. The instruction to delete may identify a paragraph by its paragraph number or include a few words from the beginning, and end, of the